

REMARKS/ARGUMENTS

This is a full and timely response to the Office Action dated April 29, 2009. Applicants note with appreciation the Examiner's thorough examination of the application as evidenced by the Office Action.

Prior to the issuance of the present Office Action, Claims 1-10 were pending and Claims 11-76 had been withdrawn in response to a restriction requirement. In the present response, Claims 1 and 6 are amended. It is respectfully submitted that pending claims 1-10 are patentable. As such, Applicants respectfully request reconsideration and allowance of the present claims in light of the following remarks.

Rule 1.105 Interrogatories

The Office Action provides two interrogatories regarding references cited in an IDS submitted March 7, 2005. Provided below are responses to those interrogatories.

"a. Which of the cited IDS references are reasonably pertinent to the subject matter of the referenced application and if so, in what way?"

Pursuant to 37 C.F.R. § 1.56, "[e]ach individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section." 37 C.F.R. § 1.56(a). The Applicants submit that they have satisfied the duty of disclosure by submitting an Information Disclosure Statement on March 7, 2005 and by other submissions.

Applicants submit that each of the cited references has relevancy to the subject matter of the present application. The patent references are relevant to the cited references in that they relate to systems for facilitating international transactions and/or shipping transactions. In the Office Action, the Examiner points specifically to Reference #2 (Published Application No.

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2002/0049622) as not appearing to be directly applicable to the instant application. Applicants note that this reference provides systems that facilitate compliance with global trade regulations and country specific documentation requirements. (*See e.g.*, Paragraph [0060]). As such, this reference could be considered relevant to the present application.

Similarly, Reference #9 (Patent No. 5774553) provides a system that facilitates international transactions and thus could be considered relevant to the present application. For example, this reference discusses means for dealing with multiple currencies in international transactions, and the present application relates to international shipping transactions.

The non-patent references are articles relating to companies and systems that facilitate international transactions. Many of these references include discussions regarding the calculation of landed costs or total costs for international shipments. The Office Action specifically identifies the "Genesis Solutions" reference as potentially not pertinent to the present application. As noted by the Examiner, this reference generally discusses optimizing supply chains. Logistics is a factor in the disclosed optimization process for reducing the total costs. Thus, the Genesis Solutions document could be considered relevant to the present application (*e.g.*, shipping logistics systems and determining costs).

Accordingly, the Applicants respectfully request the Examiner to consider all of the references cited in the March 7, 2005 IDS.

"b. Is the applicant aware of any other related (common inventor or ownership) patent applications or patents from which the applicant is providing references either cited by the examiner or derived from the search related to those other patents? If so, please provide application numbers."

The references cited in the present application were not provided as a result of being either cited by an examiner or derived from a search in connection with other related (*i.e.* common inventor or ownership) patent applications or patents. As a result of investigations related to this inquiry, however, the Applicants have identified a commonly owned application that identifies many of the same references. This commonly owned application is U.S. Patent

Application No. 11/874,681 entitled "System and Method for Calculating Real-time Costing Information." To date, the examiner of the '681 application has not cited any references.

Claims Rejections – 35 USC §103(a)

Independent Claim 1

The present Office Action indicates that Independent Claim 1 stands rejected as being unpatentable over Published Application No. 2002/0116273 to Sundel ("Sundel"), U.S. Published Application No. 2002/00110665 to Lefebvre et al. ("Lefebvre"), and U.S. Patent No. 7319,990 to Henty ("Henty"). It is respectfully asserted that Sundel, Lefebvre and Henty, either alone or in combination, do not disclose or suggest each of the features recited in Claim 1. For example, these references do not disclose or suggest the concept of a processor configured to "determine a confidence level associated with the first rating profile based on a comparison between the first identifier and the first rating profile" as recited in amended Claim 1. At page 6, the Office Action indicates that Sundel does not disclose the concept of determining a confidence level. The Office Action then cites Henty for the confidence level concept.

Henty generally discloses a produce and pricing system for use in a supermarket checkout or other retail outlet where produce is handled. (*see* Abstract). The system takes images of a piece of produce and then uses image recognition techniques to identify the produce. Although the Henty patent mentions a "confidence value," the value in this reference is fundamentally different from the "confidence level" recited in amended Claim 1. First, the Henty system is an image recognition system, while the present invention is based on a comparison between a first identifier, which is part of shipment data, and a rating profile. Second, amended Claim 1 recites that the processor is configured to "determine a confidence level associated with the first rating profile *based on a comparison between the first identifier and the first rating profile.*" Henty's confidence value is not based on this type of comparison. Instead, Henty's confidence value is "based on the closeness of the match between the spectral vector and the target vector *as compared to the next best matches.*" (Col. 9, lines 33-37). Accordingly, for at least these reasons, the combination of Sundel, Lefebvre and Henty fail to disclose or suggest each of the features recited in amended Claim 1, and the Applicants

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respectfully request the Examiner to withdraw the present rejection.

Dependent Claims 2-10


Claims 2-10 depend from independent Claim 1 and therefore include all of the features of independent Claim 1 plus additional features that are not disclosed in the prior art. Accordingly, for this reasoning and for the reasons stated above, Claims 2-10 are patentably distinct from the cited art.

Conclusion

The foregoing is submitted as a full and complete response to the Office Action mailed April 29, 2009. The amendments to the claims, when taken in conjunction with the appended remarks, are believed to have placed the present application in condition for allowance, and such action is respectfully requested.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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